



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/135,046    10/12/93    GARVIN

R

CRANE, TX EXAMINER

C2M1/0702

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ART UNIT

PAPER NUMBER

3201

DATE MAILED:

07/02/96

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Advisory Action**Application No.  
**08/135,046**Applicant(s)  
**Garvin**Examiner  
**Daniel Crane**Group Art Unit  
**3201**

## THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☒ expires Three months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on \_\_\_\_\_ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Jun 12, 1996 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

- ☒ The proposed amendment(s):
- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
  - ☒ will not be entered because:
    - ☒ they raise new issues that would require further consideration and/or search. (See note below).
    - ☐ they raise the issue of new matter. (See note below).
    - ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
    - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: See attachment

- ☐ Applicant's response has overcome the following rejection(s):

- ☐ Newly proposed or amended claims \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- ☐ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: \_\_\_\_\_

Claims objected to: \_\_\_\_\_

Claims rejected: 1-6 and 9

- ☐ The proposed drawing correction filed on \_\_\_\_\_ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Other

**DANIEL CRANE**  
**PRIMARY EXAMINER**  
**ART UNIT 3201**

Serial Number: 08/135,046

-2-

Art Unit: 3201

#### **ATTACHMENT TO ADVISORY ACTION**

Applicant has submitted an Amendment After Final on June 12, 1996 further amending independent claims 1 and 6.

Applicant's amendment to the claims brings up one issue which has not been considered in the last Office Action relative to the applied prior art. Applicant proposes to amend claim 1 by specifying that a "continuous" conduit is directed from a feed tube mounted on the machine. Since this feature is considered a new consideration requiring further review relative to the prior art, the amendment will not be entered. However, if applicant supplies a supplemental amendment including all the additions made in the June 12, 1996 Amendment after Final with the exception of the "continuous" limitation, the amendment will be entered for purposes of Appeal.

In conclusion, the Amendment After Final filed June 12, 1996 has not been entered.

#### **INQUIRIES**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is (703) 308-1870. The examiner's supervisor, Mr. J. Sipos, can be reached at (703) 308-1882.

Serial Number: 08/135,046

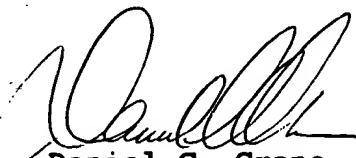
-3-

Art Unit: 3201

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is **(703) 308-1148**.

Documents related to the instant application may be submitted directly to Group 3200 by facsimile transmission at all times. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Group 3200 Facsimile Center number is **(703) 305-3579**.

DCCrane (W)



**Daniel C. Crane**  
Primary Patent Examiner  
Group Art Unit 3201